

REMARKS

The rejection of Claims 1, 11-13, 31, 33 and 34 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Indeed, the rejection is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of Claim 1 on grounds of non-statutory obviousness-type double patenting over either Claims 4 or 5 of US 7,128,974 (Scarsbrook et al) and the provisional rejection of Claim 1 on grounds of non-statutory obviousness-type double patenting over Claim 5 of copending application No. 11/486,421 (copending application),¹ are respectfully traversed.

The claims of Scarsbrook et al and the copending application all require a thickness of greater than 2 mm. There is no disclosure or suggestion in these claims that any of the recited characteristics recited in the present claims could be achieved at any layer thickness. In addition, Scarsbrook et al and the copending application, on the one hand, and the present application, on the other hand, all have the same effective filing date, i.e., June 14, 2001. Thus, the possibility of time-wise extension of the patent term in the absence of a terminal disclaimer is non-existent.

For all the above reasons, it is respectfully requested that the rejections be withdrawn.

Applicants respectfully submit that all of the presently-pending and active claims in this application are now in immediate condition for allowance. The Examiner is respectfully requested to extend his search to non-elected species. In addition, the non-elected method claims all depend on Claim 1, and are thus rejoinable if Claim 1 is allowable. In the absence

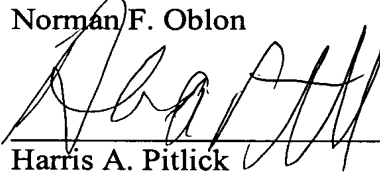
¹ The copending application has been abandoned in favor of application no. 11/681,840. It is assumed that the provisional rejection will now apply to this application.

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of further grounds of rejection, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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